

Rec'd PCT/PTO

17 NOV 2005

ORIGINAL

#5

Attorney Docket No. Le A 36 266

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No.: PCT/EP03/09527

International Filing Date: 08/28/2003

U.S. Application No.: 10/527,386

First Named Inventor: Heike Gielen-Haertwig

Title: Heterocyclic Derivatives

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 11, 2005

Signature of person certifying

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 08/11/2005. A copy of Form PCT/DO/EO/905 is enclosed.

A petition for one month extension of time under 37 C.F.R. 1.136(a) is being submitted concurrently herewith. Payment of the extension fee is in the manner set forth in the attached form PTO/SB/22.

DECLARATION OR OATH

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e)) \$130.00.

## NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURE

Form PCT/DO/EO/905 indicates that this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 because a copy of the sequence listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

Applicants wish to clarify for the record that the specification of this application does not contain nucleotide and/or amino acid sequences. Accordingly, withdrawal of the notice to comply with the sequence rules is respectfully requested.

## ADDITIONAL CLAIMS FEE

Form PCT/DO/EO/905 indicates that additional claims fees are due for this application in the amount of **\$1,160.00** as described below:

- **\$800.00** for **21** total claims over 20.
- **\$360.00** for multiple dependent claim surcharge.

Applicants wish to clarify for the record that the extra claims fee submitted on 03/10/2005 was calculated based on the preliminary amendment attached to the application papers.

The extra claims fee was calculated as follows:

CALCULATION OF EXTRA CLAIMS FEE			
Claims remaining after preliminary amendment filed on 03/10/2005	Number Filed	Number Extra	Fee Paid
Total Claims	25 - 20 =	5	\$250.00
Independent Claims	11 - 3 =	8	\$1,600.00
Multiple Dependent Claims	0	0	\$ 00.00

Submitted herewith is a Claim Determination Record. Since payment for the additional claims in the amount of \$1,850.00 was made on Form PTO-1390, Applicants believe that no extra claims fee is due for this application.

## PAYMENT OF FEES

The Commissioner is hereby authorized to charge the fee under 37 C.F.R. 1.492(e) in the amount of **\$130.00** to Deposit Account No. 13-3372. A duplicate of this request is attached.


The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account.

Respectfully submitted,

Date: November 11, 2005

Registration No. 48,972

Phone: (203) 812-6450

  
Susan M. Pellegrino  
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JC06 Rec'd PCT/EP 10 17 NOV 2005

Attorney's Docket No. Le A 36 266

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Heike Gielen-Haertwig

Application Serial No.: 10/527,386

National Stage Filing of International Application PCT/EP03/09527

International Filing Date: 08/28/2003

For: Heterocyclic Derivatives

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that the *attached* correspondence comprising:

- Response to Notification of Missing Requirements [IN DUPLICATE];
- Petition and Fee for Extension of Time under 37 C.F.R. 1.136(a) [IN DUPLICATE];
- Copy of Notification of Missing Requirements (Form PCT/DO/EO/905);
- Claim Determination Record;

03 FC:1614 1600.00 DA Combined Declaration and Power of Attorney executed by the inventors; and

01/27/2006 VWALLACE 00000115 133372 10527386 Return Receipt Postcard.

01 FC:1615 300.00 DA

02 FC:1616 360.00 DA

is, on the date shown below, being deposited with sufficient postage as first class mail in an

01/27/2006 VWALLACE 00000115 133372 10527386 envelope addressed to:

11/21/2005 HKAYPAGH 00000115 133372 10527386

01 FC:1617 130.00 DA

02 FC:1615 250.00 DA

03 FC:1614 1600.00 DA

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 11, 2005

Date

Signature of Person Certifying / Beatriz Alviz



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,386	Heike Gielen-Haertwig	Le A 36 266

35969  
 JEFFREY M. GREENMAN  
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INTERNATIONAL APPLICATION NO.	
PCT/EP03/09527	
IA. FILING DATE	PRIORITY DATE
08/28/2003	09/10/2002

CONFIRMATION NO. 2246  
 371 FORMALITIES LETTER



\*OC000000016748561\*

Date Mailed: 08/11/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/10/2005
- Copy of the International Search Report filed on 03/10/2005
- Preliminary Amendments filed on 03/10/2005
- Information Disclosure Statements filed on 03/10/2005
- Oath or Declaration filed on 03/10/2005
- Request for Immediate Examination filed on 03/10/2005
- U.S. Basic National Fees filed on 03/10/2005
- Priority Documents filed on 03/10/2005

RECEIVED

AUG 15 2005

JEFFREY M. GREENMAN

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1160** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - please re-check your claims i don't see 11 indenpendent claims, and you have mulit & improper claims.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1290** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 1160**
  - **\$800** for 21 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,386	PCT/EP03/09527	Le A 36 266

FORM PCT/DO/EO/905 (371 Formalities Notice)

### CLAIM DETERMINATION RECORD

CLAIMS	IN THE INTERNATIONAL APPLICATION			CLAIMS	REMAINING AFTER PRELIMINARY AMENDMENT FILED ON 03/10/2005		
	Indep	Depend	Mult Depend		Indep	Depend	Mult Depend
1	✓			1	✓		
2		✓		2		✓	
3			✓	3		✓	
4			✓	4		✓	
5			✓	5		✓	
6			✓	6		✓	
7			✓	7		✓	
8			✓	8		✓	
9			✓	9		✓	
10			✓	10		✓	
11			✓	11		✓	
12			✓	12		✓	
13			✓	13		✓	
14	✓			14	✓		
15	✓			15	✓		
16	✓			16	✓		
17	✓			17	✓		
18		✓		18	CANCELED		
19	✓			19	✓		
20	✓			20	CANCELED		
21		✓		21	✓		
22		✓		22		✓	
23	✓			23	✓		
24	✓			24	✓		
25	✓			25	✓		
26	✓			26	CANCELED		
27		✓		27	✓		
28		✓		28		✓	
29	✓			29	CANCELED		
				Total Indep	11		
				Total Depend		14	
				Total Mult Depend			0
				TOTAL CLAIMS		25	